

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

04-CA-167947

Date Filed

01-19-16

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer		b. Tel. No. 610-645-9222(Hirsch)
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1. 3137 Broad Street, Philadelphia, PA.19132 2. One McDonald's Plaza Oak Brook, Illinois 60523	e. Employer Representative 1. Joseph Hirsch (counsel) 2. Gloria Santana	g. e-Mail
		h. Number of workers employed Specific Store: Approx 40
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) 2015, , Respondent(s) discharged employee (b) (6), (b) (7)(C) from its location at 3137 Broad Street, Philadelphia, PA.

Respondent engaged in the conduct described above because the employee named therein joined, supported, or assisted the Union, and engaged in concerted activities for the purpose of mutual aid and protection, and in order to discourage employees from engaging in such activities for the purpose of collective bargaining or other mutual aid and protection.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Pennsylvania Workers Organizing Committee(A Project of the Fast Food Workers Committee)

4a. Address (Street and number, city, state, and ZIP code) c/o (b) (6), (b) (7)(C) 1706 Race Street Third Floor Philadelphia, PA.19103	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) **See Number 3.**

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)

Michael J. Healey

(Print/type name and title or office, if any)

Tel. No. **412-391-1428**

Office, if any, Cell No.
412-760-0342

Fax No. **412-281-9509**

e-Mail
mike@unionlawyers.net

Address **247 Fort Pitt Blvd. 4th Floor, PGH. PA. 15222**

1/15/15

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



Healey and Hornack, P.C.
ATTORNEYS AT LAW

Michael J. Healey
Joseph S. Hornack
Jules Lobel, OF COUNSEL

Direct Dial: 412-391-1428
E-mail: mike@unionlawyers.net

January 18, 2016

247 Fort Pitt Boulevard
4th Floor
Pittsburgh, PA 15222
PHONE: 412.391.7711
TOLL FREE: 888.391.6944
FAX: 412.281.9509

Dennis Walsh
Regional Director
NLRB Region 4
615 Chestnut Street
Philadelphia, PA 19106-4404

RE: Jo-An Enterprises d/b/a McDonald's et. al

Dear Mr. Walsh:


Enclosed please find for your consideration and processing an original and 4 copies of an unfair labor practice charge. The charge relates to an aspect in Philadelphia of what has been referred to as "fast food workers strikes/organizing." The charge is self-explanatory and is detailed in the narrative portion of the charge.

There are a limited number of witnesses who have facts relevant to the allegations who can be produced for interviews. Please have your staff contact me at your earliest convenience and we can begin making arrangements to set up interviews. Copies of this charge have been served on the respondent(s).

Please note that the allegations in this charge were part of a charge filed in October, 2015, but which was withdrawn after we were unable to produce the principal witness in a timely matter. (Case No. 04-CA-162460) We also had sent this charge by letter dated January 15, 2016, but noticed an error in the first paragraph of that letter incorrectly referencing 2 sets of charges.

I would anticipate wishing to file a brief position statement towards the end of the investigation in this matter. Please have a member of your staff contact me at their earliest convenience.

Sincerely,



Mike Healey

MH: [initials]

Enclosures: Multiple
cc: Gloria Santona
Joseph Hirsch, Esq.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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January 20, 2016

(b) (6), (b) (7)(C)

Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's
3137 Broad Street
Philadelphia, PA 19132

Gloria Santona
McDonald's USA
One McDonald's Plaza
Oak Brook, IL 60523

Re: Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's and McDonald's USA, as a joint
or single employer
Case 04-CA-167947

Dear (b) (6), (b) (7)(C), Ms. Santona:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DEENA E. KOBELL whose telephone number is (215)597-7650. If this Board agent is not available, you may contact Supervisory Attorney EMILY DESA whose telephone number is (215)597-7626.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as

possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

January 20, 2016

Very truly yours,

A handwritten signature in black ink, reading "Dennis P. Walsh". The signature is fluid and cursive, with the first name "Dennis" being more prominent than the last name "Walsh".

DENNIS P. WALSH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Joseph A. Hirsch, Esquire
Hirsch & Hirsch
One Belmont Avenue
8th Floor, Suite 8001
Bala Cynwyd, PA 19004

Doreen S. Davis, Esquire
Jones Day
222 East 41st Street
New York, NY 10017-6702

Veronica Couzo, Esquire
Jones Day
222 East 41st Street
New York, NY 10017-2940

Michael S. Ferrell, Esquire
Jones Day
77 West Wacker Drive
Suite 3500
Chicago, IL 60601-1701

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

04-CA-167947

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**JO-DAN MADALISSE LTD, LLC D/B/A
MCDONALD'S AND MCDONALD'S USA, AS A
JOINT OR SINGLE EMPLOYER**

Charged Party

and

**PENNSYLVANIA WORKERS ORGANIZING
COMMITTEE (PROJECT OF THE FAST FOOD
WORKERS COMMITTEE)**

Charging Party

Case 04-CA-167947

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 20, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's
3137 Broad Street
Philadelphia, PA 19132

Joseph A. Hirsch, Esquire
Hirsch & Hirsch
One Belmont Avenue
8th Floor, Suite 8001
Bala Cynwyd, PA 19004

Gloria Santona
McDonald's USA
One McDonald's Plaza
Oak Brook, IL 60523

Doreen S. Davis, Esq.
Jones Day
222 East 41st Street
New York, NY 10017-6702

Veronica Couza, Esquire
Jones Day
222 East 41st Street
New York, NY 10017-2940

Michael S. Ferrell, Esquire
Jones Day
77 West Wacker Drive
Suite 3500
Chicago, IL 60601-1701

January 20, 2016

Date

Janet T. Jackson
Designated Agent of NLRB

Name

/s/ Janet T. Jackson

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658



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January 20, 2016

(b) (6), (b) (7)(C)

Pennsylvania Workers Organizing Committee
(Project of the Fast Food Workers Committee)
1706 Race Street
Third Floor
Philadelphia, PA 19103-1200

Re: Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's and McDonald's USA, as a joint
or single employer
Case 04-CA-167947

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on January 19, 2016 has been docketed as case number 04-CA-167947. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DEENA E. KOBELL whose telephone number is (215)597-7650. If this Board agent is not available, you may contact Supervisory Attorney EMILY DESA whose telephone number is (215)597-7626.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

January 20, 2016

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive, flowing style.

DENNIS P. WALSH
Regional Director

cc: Michael J. Healey, Esquire
Healey & Hornack, P.C.
247 Fort Pitt Blvd., 4th Flr.
Pittsburgh, PA 15222

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

04-CA-167947

Date Filed

01-19-16

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer		b. Tel. No. 610-645-9222(Hirsch)
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1. 3137 Broad Street, Philadelphia, PA.19132 2. One McDonald's Plaza Oak Brook, Illinois 60523	e. Employer Representative 1. Joseph Hirsch (counsel) 2. Gloria Santana	g. e-Mail
		h. Number of workers employed Specific Store: Approx 40
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) 2015, , Respondent(s) discharged employee (b) (6), (b) (7)(C) from its location at 3137 Broad Street, Philadelphia, PA.

Respondent engaged in the conduct described above because the employee named therein joined, supported, or assisted the Union, and engaged in concerted activities for the purpose of mutual aid and protection, and in order to discourage employees from engaging in such activities for the purpose of collective bargaining or other mutual aid and protection.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Pennsylvania Workers Organizing Committee(A Project of the Fast Food Workers Committee)

4a. Address (Street and number, city, state, and ZIP code) c/o (b) (6), (b) (7)(C) 1706 Race Street Third Floor Philadelphia, PA.19103	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) **See Number 3.**

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)**Michael J. Healey**

(Print/type name and title or office, if any)

Tel. No. **412-391-1428**Office, if any, Cell No.
412-760-0342Fax No. **412-281-9509**e-Mail
mike@unionlawyers.netAddress **247 Fort Pitt Blvd. 4th Floor, PGH. PA. 15222****1/15/15**

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

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From: [Mike Healey](#)
To: [Kobell, Deena E.](#)
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947
Date: Monday, January 25, 2016 11:55:52 AM
Attachments: [McDs Staff positins.pdf](#)

Deena:

Two more things.

1. We are fairly certain of the (b) (6), (b) (7)(C) date and understand we are pushing up against the 10(b) period. I will seek confirmation again.
2. Attached is a chart we have concerning what we understand to be the positions within mcDonald's restaurants.

Mike Healey

From: Mike Healey
Sent: Monday, January 25, 2016 11:29 AM
To: Kobell, Deena E. <Deena.Kobell@nrlb.gov>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

1. Yes, (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C). Joe Hirsch and I spoke about this last week as he was confused between the 2.
2. This was a previously filed charge, the organizer was unable to timely produce (b) (6), (b) (7)(C) at that time.
3. There will likely be a supervisory issue on this one raised as (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C) of some sort- Hirsch and I also spoke about that. There has been a long pending case from down south pending in advice over that issue, I will get you the case number
4. I am contacting the organizer right now on this.

If it helps, Hirsch and I are able to talk on different issues, we may not necessarily agree, but we can talk without doing poison pen e mails(i.e. like the ones going back and forth on the region 2 case between the GC's office and mcD's)

Mike

From: Kobell, Deena E. [<mailto:Deena.Kobell@nrlb.gov>]
Sent: Monday, January 25, 2016 11:05 AM
To: Mike Healey <mike@unionlawyers.net>
Subject: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

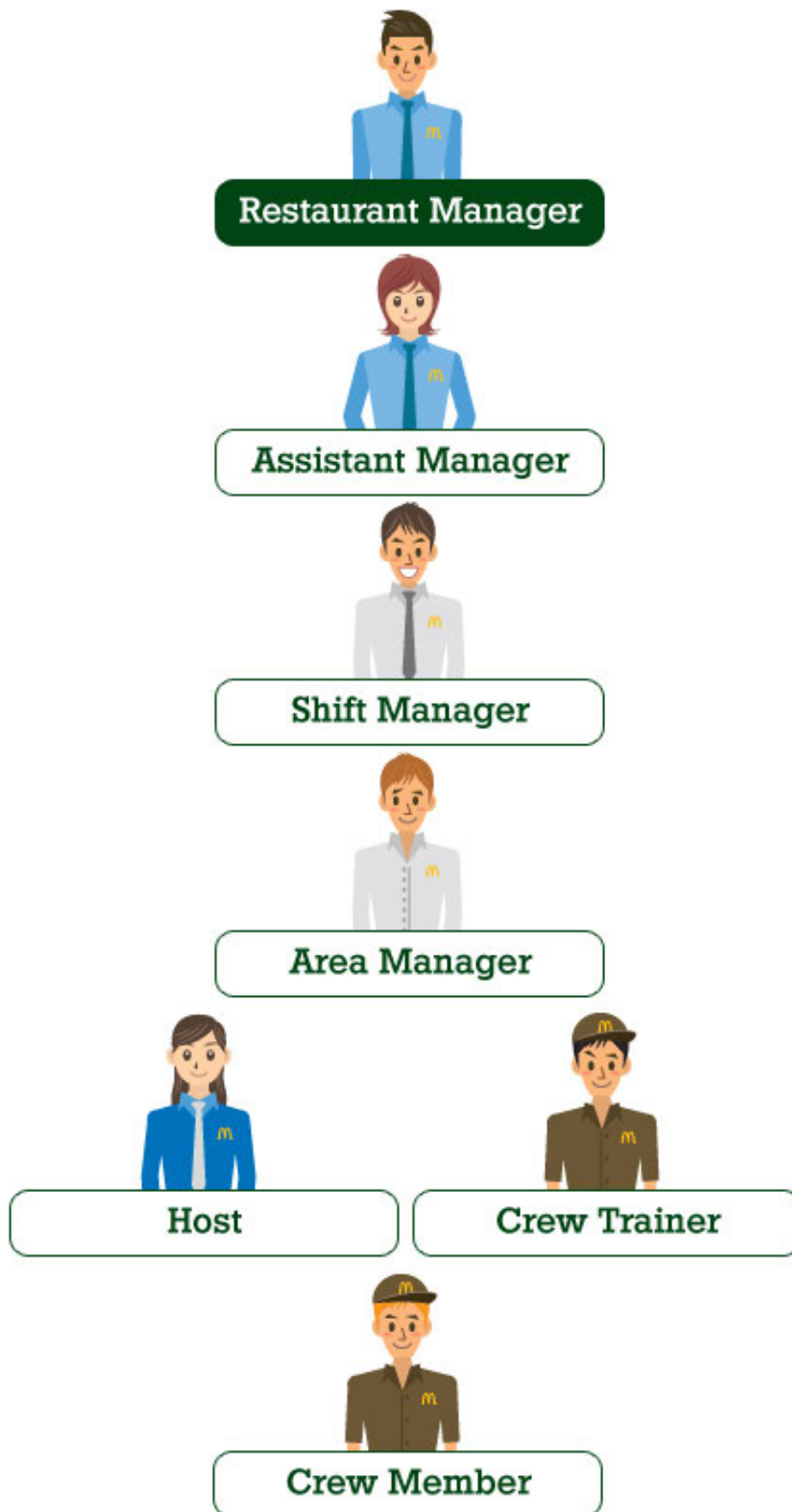
Mike,

We received this new filing from you last week alleging that the Employer discharged (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015. Is (b) (6), (b) (7)(C), who was previously a (b) (6), (b) (7)(C) at that location? Are you certain of the (b) (6), (b) (7)(C) date? I will need to see (b) (6), (b) (7)(C) in my office to take an affidavit from (b) (6), (b) (7)(C) in order to proceed. I am available 1/27, 1/28 and 2/1 all day from 8 a.m. until 4 p.m. for this purpose. **The deadline for the submission of evidence in this matter is 2/1.** Please let me know when (b) (6), (b) (7)(C) is available.

Thanks.

Deena Kobell





Restaurant Manager

Responsibilities

Our outlets don't run smoothly by chance, but it is thanks to our store managers who fully manage and control of all restaurant operations. Apart from directly managing staff, which average around 75 employees per store, our Restaurant Managers are responsible for controlling profitability, optimising restaurant management and overseeing sales, human resources and team management in their respective stores.

Profile

- Displays managerial and leadership qualities
- Autonomous employees who enjoy taking an initiative
- Well organised individual
- Self-controlled, disciplined and highly driven

Assistant Manager

Responsibilities

Our Assistant Manager's main role is that of assisting Restaurant Managers in all management tasks. They also run the restaurant in the absence of the store manager. Assistant Managers at McDonald's are expected to be quick thinkers and sound decision makers and possess the natural capabilities of leading the team.

Assistant Managers also have the responsibility of assuming supervision of the planning teams, their training and recruitment and their respective controls. They also ensure that all levels of quality and safety are safeguarded in our restaurants as well as actively participating in the analysis of operational results and sales forecasts.

Profile

- Displays managerial qualities
- Has a natural tendency to encourage team work
- Able to perform in a dynamic business environment
- Demonstrates the ability to juggle various tasks with ease
- Highly organised individual

Shift Manager

Responsibilities

Our Shift Managers ensure that everything is under control during their shifts. Typical responsibilities include overseeing all operations from greeting customers to the quality and speed of service in all of our restaurants. Additionally, shift managers are responsible for overseeing that adequate maintenance of equipment is carried out, keeping track of their outlet's inventory and monitoring the quality of products supplied.

On average, a McDonald's shift manager manages a team of 15 to 20 people per shift.

Profile

- Highly organised individual
- Versatile and flexible at a managerial and operational level
- Has a natural tendency to encourage team work
- Demonstrates a dedicated sense of service

Area Manager

Responsibilities

Our Area Managers are key employees who support the Shift manager both at managerial and operational levels. They are expected to manage and ensure the smooth-running of specific areas such as the kitchen, the McCafe or the counter. All of our Area Managers represent a link between the Shift manager and the rest of the team whilst ensuring that all hygiene and safety standards are maintained throughout their shift.

Profile

- Meticulous with an eye for detail
- Demonstrates a heightened sense of responsibility
- Versatile and flexible at a managerial and operational level
- Demonstrates a dedicated sense of service
- Has a natural tendency to encourage team work

Host

Responsibilities

All of our hosts ensure the well-being of customers in all of our restaurants. S/he welcomes clients, helps them out with any queries and manages complaints to further maximise customer satisfaction. Hosts also deal with children regularly and organise

our McDonald's birthday parties.

Profile

- Demonstrates a dedicated sense of service
- Possesses a high level of interpersonal skills
- Smiling and courteous individual
- Highly organised and dynamic in his/her approach

Crew trainer

Responsibilities

Crew trainers at McDonald's transmit their expertise to new team-mates, allowing them to master the various workstations found in all of our restaurants. Trainers are also responsible for the assimilation of training programs and the proper application of standards with a strong focus on customer satisfaction.

Profile

- An educator at heart
- Possesses a high level of interpersonal skills
- Versatile and flexible in his/her approach
- Demonstrates a dedicated sense of service
- Has a high sense of team work

Crew Member

Responsibilities

The primary mission of all of our Crew Members is to ensure customer satisfaction by performing various tasks within our restaurants including preparation, production, cleaning and counter service in according to McDonald's standards.

Every new crew member is required to follow a specific number of days of integration in order to cover every operational area such as kitchen, lobby as well as our service area. Crew Members are our front people and are directly in contact with our customers. Our Crew represent an essential component to the McDonald's operational chain and are also responsible for taking and preparing orders as well as collecting payments.

Profile

- Demonstrates a dedicated sense of service
- Versatile and flexible in his/her approach
- Has a high sense of team work
- Meticulous with an eye for detail
- Motivated and efficient

From: [Kobell, Deena E.](#)
To: ["Mike Healey"](#)
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947
Date: Monday, January 25, 2016 12:52:00 PM

My understanding is that we are authorized to take settlements in any case not part of the complex litigation (phase 1). For my purposes, that includes the two post-complaint cases ((b) (6), (b) (7)(C) [REDACTED] [REDACTED] McDs) and any subsequent case(s) for which we find merit.

From: Mike Healey [mailto:mike@unionlawyers.net]
Sent: Monday, January 25, 2016 12:20 PM
To: Kobell, Deena E. <Deena.Kobell@nrlb.gov>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Well-Joe and I did talk about that settlement issues generally, mostly in terms of 8a1 cases, but even 8a3 cases where there is limited back pay and the person does not desire reinstatement

Do you know if that settlement authority extends to cases where there is a complaint issued or merits finding, in cases not yet scheduled for the New York case, just sitting in line—especially 8a1 cases—I have several in Region 6

From: Kobell, Deena E. [mailto:Deena.Kobell@nrlb.gov]
Sent: Monday, January 25, 2016 12:06 PM
To: Mike Healey <mike@unionlawyers.net>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Thanks for your response. I'll look forward to meeting (b) (6), (b) (7)(C) [REDACTED] and definitely get me that Advice case number when you can.

I agree, Joe has always been professional, even when we disagree. He has not offered, and I am not sure that he will, but we are now authorized to settle McD's cases not a part of the litigation. Something to think about.

Deena

From: Mike Healey [mailto:mike@unionlawyers.net]
Sent: Monday, January 25, 2016 11:29 AM
To: Kobell, Deena E. <Deena.Kobell@nrlb.gov>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

1. Yes, (b) (6), (b) (7)(C) [REDACTED] is (b) (6), (b) (7)(C) [REDACTED]. Joe Hirsch and I spoke about this last week as he was confused between the 2.
2. This was a previously filed charge, the organizer was unable to timely produce (b) (6), (b) (7)(C) [REDACTED] at that

time.

3. There will likely be a supervisory issue on this one raised as (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C) of some sort- Hirsch and I also spoke about that. There has been a long pending case from down south pending in advice over that issue, I will get you the case number
4. I am contacting the organizer right now on this.

If it helps, Hirsch and I are able to talk on different issues, we may not necessarily agree, but we can talk without doing poison pen e mails(i.e. like the ones going back and forth on the region 2 case between the GC's office and McD's)

Mike

From: Kobell, Deena E. [<mailto:Deena.Kobell@nlrb.gov>]

Sent: Monday, January 25, 2016 11:05 AM

To: Mike Healey <mike@unionlawyers.net>

Subject: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Mike,

We received this new filing from you last week alleging that the Employer discharged (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015. Is (b) (6), (b) (7)(C), who was previously a (b) (6), (b) (7)(C) at that location? Are you certain of the (b) (6), (b) (7)(C) date? I will need to see (b) (6), (b) (7)(C) in my office to take an affidavit from (b) (6), (b) (7)(C) in order to proceed. I am available 1/27, 1/28 and 2/1 all day from 8 a.m. until 4 p.m. for this purpose. **The deadline for the submission of evidence in this matter is 2/1.** Please let me know when (b) (6), (b) (7)(C) is available.

Thanks.

Deena Kobell

From: [Kobell, Deena E.](#)
To: ["Mike Healey"](#)
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947
Date: Tuesday, January 26, 2016 5:46:00 PM

Mike,

I looked at those cases and it appears the issue of whether Shift Managers are 2(11)s was raised at Appeals rather than Advice, but the issue was not decided as Appeals sustained the Region's decision to dismiss those three cases on other grounds without deciding the 2(11) issue. There was another Region 10 case where the issue came up, Case 10-CA-142719, but that case appears to have been withdrawn after the Region determined that the individual involved was a 2(11) and the charge was barred by Section 10(b) of the Act (that was the case where the charge was faxed but never docketed). So I'm afraid we may have to fully investigate the issue based on the facts of our case.

I knew that I had recently seen (b) (6), (b) (7)(C) name before and now I know where. Region 2 has (b) (6), (b) (7)(C) listed as a (b) (6), (b) (7)(C). I will find out why. I think (b) (6), (b) (7)(C) was also mentioned in (b) (6), (b) (7)(C) and we probably have (b) (6), (b) (7)(C) personnel file somewhere.

But my recollection is that we have had multiple (b) (6), (b) (7)(C) involved in various other Region 4 cases, and the Union has consistently taken the position that they are 2(11) supervisors and agents in those cases for purposes of inferring knowledge and for liability for 8(a)(1)s. I know that occurred in my case involving (b) (6), (b) (7)(C) last year. And in fact, based upon the Union's arguments, we found (b) (6), (b) (7)(C) to be a 2(11) and pled some statements made by (b) (6), (b) (7)(C) as 8(a)(1) conduct in the complaint in Jo-Dan Madalisse/Case 04-CA-125567, which are trying as part of the complex litigation. We also pled (b) (6), (b) (7)(C) as a 2(11) in Mical McDonald's/Case 04-CA-146147 and alleged that (b) (6), (b) (7)(C) engaged in 8(a)(1) conduct.

In any event, there is nothing requiring you to be consistent and the Union is free to take a different approach in this case. But assuming that you want to proceed, (b) (6), (b) (7)(C) needs to appear in my office by (b) (6), (b) (7)(C) to give an affidavit. Please note that you would not be able to withdraw this charge and re-file it as it would be 10(b)ed -- you got in just under the wire.

Please let me know.

Deena

From: Mike Healey [mailto:mike@unionlawyers.net]
Sent: Tuesday, January 26, 2016 2:54 PM
To: Kobell, Deena E. <Deena.Kobell@nrlb.gov>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Deena:

The supervisory issue was pending late last year in Advice, the following McDonalds cases out of Region 10:

Case Nos. 10—CA-131488; 10-CA-131557, and 10-CA-131543. The cases dealt with (b) (6), (b) (7)(C)

I have not heard if anything was issued on it yet.

Mike

From: Kobell, Deena E. [<mailto:Deena.Kobell@nrlb.gov>]

Sent: Monday, January 25, 2016 12:06 PM

To: Mike Healey <mike@unionlawyers.net>

Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Thanks for your response. I'll look forward to meeting (b) (6), (b) (7)(C) and definitely get me that Advice case number when you can.

I agree, Joe has always been professional, even when we disagree. He has not offered, and I am not sure that he will, but we are now authorized to settle McD's cases not a part of the litigation. Something to think about.

Deena

From: Mike Healey [<mailto:mike@unionlawyers.net>]

Sent: Monday, January 25, 2016 11:29 AM

To: Kobell, Deena E. <Deena.Kobell@nrlb.gov>

Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

1. Yes, (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C). Joe Hirsch and I spoke about this last week as he was confused between the 2.
2. This was a previously filed charge, the organizer was unable to timely produce (b) (6), (b) (7)(C) at that time.
3. There will likely be a supervisory issue on this one raised as (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C) of some sort- Hirsch and I also spoke about that. There has been a long pending case from down south pending in advice over that issue, I will get you the case number
4. I am contacting the organizer right now on this.

If it helps, Hirsch and I are able to talk on different issues, we may not necessarily agree, but we can talk without doing poison pen e mails(i.e. like the ones going back and forth on the region 2 case

between the GC's office and mcD's)

Mike

From: Kobell, Deena E. [<mailto:Deena.Kobell@nrlrb.gov>]

Sent: Monday, January 25, 2016 11:05 AM

To: Mike Healey <mike@unionlawyers.net>

Subject: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Mike,

We received this new filing from you last week alleging that the Employer discharged (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015. Is (b) (6), (b) (7)(C), who was previously a (b) (6), (b) (7)(C) at that location? Are you certain of the (b) (6), (b) (7)(C) date? I will need to see (b) (6), (b) (7)(C) in my office to take an affidavit from (b) (6), (b) (7)(C) in order to proceed. I am available 1/27, 1/28 and 2/1 all day from 8 a.m. until 4 p.m. for this purpose. **The deadline for the submission of evidence in this matter is 2/1.** Please let me know when (b) (6), (b) (7)(C) is available.

Thanks.

Deena Kobell

From: [Mike Healey](#)
To: [Kobell, Deena E.](#)
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947
Date: Thursday, January 28, 2016 4:23:15 PM

Let's talk after the interview—the principal factual issue(from my interview in October) will be whether (b) (6), (b) (7)(C) had the ability to impose or to effectively recommend discipline.

From: Kobell, Deena E. [<mailto:Deena.Kobell@nrlb.gov>]
Sent: Thursday, January 28, 2016 12:26 PM
To: Mike Healey <mike@unionlawyers.net>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

So you do want to go ahead and argue that (b) (6), (b) (7)(C) is an employee?

From: Mike Healey [<mailto:mike@unionlawyers.net>]
Sent: Thursday, January 28, 2016 12:19 PM
To: Kobell, Deena E. <Deena.Kobell@nrlb.gov>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Just (b) (6), (b) (7)(C)

From: Kobell, Deena E. [<mailto:Deena.Kobell@nrlb.gov>]
Sent: Thursday, January 28, 2016 12:18 PM
To: Mike Healey <mike@unionlawyers.net>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

When I did not hear from you, I scheduled two meetings in other cases for (b) (6), (b) (7)(C) so I only have the (b) (6), (b) (7)(C) now. I would say (b) (6), (b) (7)(C).

What witnesses are you bringing in?

From: Mike Healey [<mailto:mike@unionlawyers.net>]
Sent: Thursday, January 28, 2016 12:15 PM
To: Kobell, Deena E. <Deena.Kobell@nrlb.gov>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) is working on time(s) what is available?

From: Kobell, Deena E. [<mailto:Deena.Kobell@nrlb.gov>]

Sent: Thursday, January 28, 2016 12:14 PM

To: Mike Healey <mike@unionlawyers.net>

Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Mike,

Unfortunately, I am not available (b) (6), (b) (7)(C) I was available (b) (6), (b) (7)(C) .
Please let me know how you want to proceed.

Thanks,
Deena

From: Mike Healey [<mailto:mike@unionlawyers.net>]

Sent: Thursday, January 28, 2016 10:21 AM

To: Kobell, Deena E. <Deena.Kobell@nrlrb.gov>

Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Well I would like to be consistent-I do think-depending on how facts play out, that the Section 2(11) issue may be difficult.

I am about to talk with the organizer-you mentioned (b) (6), -are you also available (b) (6), (b) (7)(C) in case that becomes possible?

In terms of the region 10 cases, instead of recreating the wheel, I may simply forward a brief discussing the Section 2(11) issues in one of those cases.

From: Kobell, Deena E. [<mailto:Deena.Kobell@nrlrb.gov>]

Sent: Tuesday, January 26, 2016 5:45 PM

To: Mike Healey <mike@unionlawyers.net>

Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Mike,

I looked at those cases and it appears the issue of whether (b) (6), (b) (7)(C) are 2(11)s was raised at Appeals rather than Advice, but the issue was not decided as Appeals sustained the Region's decision to dismiss those three cases on other grounds without deciding the 2(11) issue. There was another Region 10 case where the issue came up, Case 10-CA-142719, but that case appears to have been withdrawn after the Region determined that the individual involved was a 2(11) and the charge was barred by Section 10(b) of the Act (that was the case where the charge was faxed but never docketed). So I'm afraid we may have to fully investigate the issue based on the facts of our case.

I knew that I had recently seen (b) (6), (b) (7)(C) name before and now I know where. Region 2 has (b) (6), (b) (7)(C) listed as a (b) (6), (b) (7)(C) . I will find out why. I think (b) (6), (b) (7)(C) was

also mentioned in (b) (6), (b) (7)(C) and we probably have (b) (6), (b) (7)(C) personnel file somewhere.

But my recollection is that we have had multiple (b) (6), (b) (7)(C) involved in various other Region 4 cases, and the Union has consistently taken the position that they are 2(11) supervisors and agents in those cases for purposes of inferring knowledge and for liability for 8(a)(1)s. I know that occurred in my case involving (b) (6), (b) (7)(C) last year. And in fact, based upon the Union's arguments, we found (b) (6), (b) (7)(C) to be a 2(11) and pled some statements made by (b) (6), (b) (7)(C) as 8(a)(1) conduct in the complaint in Jo-Dan Madalisse/Case 04-CA-125567, which are trying as part of the complex litigation. We also pled (b) (6), (b) (7)(C) as a 2(11) in Micale McDonald's/Case 04-CA-146147 and alleged that (b) (6), (b) (7)(C) engaged in 8(a)(1) conduct.

In any event, there is nothing requiring you to be consistent and the Union is free to take a different approach in this case. But assuming that you want to proceed, (b) (6), (b) (7)(C) needs to appear in my office by (b) (6), (b) (7)(C) to give an affidavit. Please note that you would not be able to withdraw this charge and re-file it as it would be 10(b)ed -- you got in just under the wire.

Please let me know.

Deena

From: Mike Healey [<mailto:mike@unionlawyers.net>]
Sent: Tuesday, January 26, 2016 2:54 PM
To: Kobell, Deena E. <Deena.Kobell@nrlb.gov>
Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Deena:

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I have not heard if anything was issued on it yet.

Mike

From: Kobell, Deena E. [<mailto:Deena.Kobell@nrlb.gov>]
Sent: Monday, January 25, 2016 12:06 PM
To: Mike Healey <mike@unionlawyers.net>

Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Thanks for your response. I'll look forward to meeting (b) (6), (b) (7)(C) and definitely get me that Advice case number when you can.

I agree, Joe has always been professional, even when we disagree. He has not offered, and I am not sure that he will, but we are now authorized to settle McD's cases not a part of the litigation. Something to think about.

Deena

From: Mike Healey [<mailto:mike@unionlawyers.net>]

Sent: Monday, January 25, 2016 11:29 AM

To: Kobell, Deena E. <Deena.Kobell@nrlb.gov>

Subject: RE: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

1. Yes, (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C). Joe Hirsch and I spoke about this last week as he was confused between the 2.
2. This was a previously filed charge, the organizer was unable to timely produce (b) (6), (b) (7)(C) at that time.
3. There will likely be a supervisory issue on this one raised as (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C) of some sort- Hirsch and I also spoke about that. There has been a long pending case from down south pending in advice over that issue, I will get you the case number
4. I am contacting the organizer right now on this.

If it helps, Hirsch and I are able to talk on different issues, we may not necessarily agree, but we can talk without doing poison pen e mails(i.e. like the ones going back and forth on the region 2 case between the GC's office and McD's)

Mike

From: Kobell, Deena E. [<mailto:Deena.Kobell@nrlb.gov>]

Sent: Monday, January 25, 2016 11:05 AM

To: Mike Healey <mike@unionlawyers.net>

Subject: Jo-Dan Madalisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer/Case 04-CA-167947

Mike,

We received this new filing from you last week alleging that the Employer discharged (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2015. Is (b) (6), (b) (7)(C), who was previously a (b) (6), (b) (7)(C) at that location? Are you certain of the (b) (6), (b) (7)(C) date? I will need to see (b) (6), (b) (7)(C) in my office to take an affidavit from (b) (6), (b) (7)(C) in order to proceed. I am available 1/27, 1/28 and 2/1 all day from 8 a.m. until 4 p.m. for this purpose. **The deadline for the submission of evidence in this matter is 2/1.** Please let me know when (b) (6), (b) (7)(C) is

available.

Thanks.

Deena Kobell

From: [Kobell, Deena E.](#)
To: ["Mike Healey"](#)
Subject: RE: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) . Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.
Date: Friday, February 19, 2016 10:28:00 AM

Of course not. Please do!

Deena

From: Mike Healey [mailto:mike@unionlawyers.net]
Sent: Friday, February 19, 2016 10:17 AM
To: Kobell, Deena E. <Deena.Kobell@nlrb.gov>
Subject: RE: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) . Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.

Do you mind if I call Joe directly? The Section 2(11) issue is difficult under the facts of these cases, and I will not make an argument that contradicts our position in other cases

Mike

From: Kobell, Deena E. [mailto:Deena.Kobell@nlrb.gov]
Sent: Friday, February 19, 2016 7:48 AM
To: Mike Healey <mike@unionlawyers.net>
Subject: RE: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) . Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.

Mike,

After sending this email last evening, I received Joe Hirsch's response to the (b) (6), (b) (7)(C) charge. As we anticipated, he submitted write-ups signed by (b) (6), (b) (7)(C) as well as schedules showing (b) (6), (b) (7)(C) was the only (b) (6), (b) (7)(C) on duty at various times. I will need to contact (b) (6), (b) (7)(C) to take a (b) (6), (b) (7)(C), (b) (7)(D) regarding this evidence if you elect to proceed with (b) (6), (b) (7)(C) charge. While I cannot share these documents with you without Joe's permission, I can tell you the write-ups contained commentary in the first person, and did not appear as though (b) (6), (b) (7)(C) was merely following orders to write up the individual. I can show them to (b) (6), (b) (7)(C) to ask (b) (6), (b) (7)(C) about them if/when (b) (6), (b) (7)(C) comes back to my office for a (b) (6), (b) (7)(C), (b) (7)(D).

Can you let me know by Monday what you want to do with respect to (b) (6), (b) (7)(C) charge so that I can move the investigation along?

Thanks.

Deena Kobell

From: Kobell, Deena E.

Sent: Thursday, February 18, 2016 6:51 PM

To: 'Mike Healey' <mike@unionlawyers.net>

Subject: RE: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) . Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.

Hi Mike,

It was a pleasure chatting with you today. As discussed, please let me know ASAP if you intend to withdraw the recently-filed allegation concerning (b) (6), (b) (7)(C) suspension. In the meantime, as discussed, in the event that you do wish to proceed, I went ahead and sent (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (7)(D) to (b) (6), (b) (7)(C) email address that (b) (6), (b) (7)(C) provided to me (b) (6), (b) (7)(C). Since it is now a (b) (6), (b) (7)(C), (b) (7)(D) will need to call me to receive the oath before (b) (6), (b) (7)(C) signs it, and then (b) (6), (b) (7)(C) will need to mail it back to me. I have asked (b) (6), (b) (7)(C) to do so by no later than (b) (6), (b) (7)(C).

This will also serve to confirm that you intend to withdraw the allegation concerning (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) alleged reduction in hours. Assuming that is the case, you will need to file a second amended charge (and you can amend out the suspension allegation at the same time should you choose to).

Also, please confirm that you wish to pursue the allegations concerning (b) (6), (b) (7)(C) notwithstanding (b) (6), (b) (7)(C) potential 2(11) status.

Thanks.

Deena Kobell

From: Kobell, Deena E.

Sent: Wednesday, February 17, 2016 5:54 PM

To: 'Mike Healey' <mike@unionlawyers.net>

Subject: RE: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) . Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.

Mike,

Please call me tomorrow. I will be working from home so you can reach me on my brand new Agency cellphone 202-368-3932. I have (b) (6), (b) (7)(C), (b) (7)(D) ready to go and I want to talk to you about it and about how to get it to (b) (6), (b) (7)(C) along with some evidentiary issues.

Thanks.

Deena Kobell

From: Mike Healey [<mailto:mike@unionlawyers.net>]

Sent: (b) (6), (b) (7)(C)

To: Kobell, Deena E. <Deena.Kobell@nlrb.gov>

Subject: RE: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.

Just got out of hearing.

1. Paystubs. I understand reduction in hour cases are difficult on a good day and we do not have sufficient information to proceed on that part of the charge.

2. Today thank you for making yourself available. I am so sorry about the screw up (b) (6), (b) (7)(C).

I will call you tomorrow. I am on the road today, on my way to Erie for bargaining right now.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Kobell, Deena E." <Deena.Kobell@nlrb.gov>

Date: (b) (6), (b) (7)(C) (GMT-05:00)

To: Mike Healey <mike@unionlawyers.net>

Subject: RE: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.

I just called (b) (6), (b) (7)(C) to find out where they were. Apparently, they had to go back to (b) (6), (b) (7)(C) to get an ID and will be (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C). It would have been nice if they had called me since they are showing up more than an (b) (6), (b) (7)(C), and I came in (b) (6), (b) (7)(C) to make sure that I was here.

I have affidavits (b) (6), (b) (7)(C), starting at (b) (6), (b) (7)(C). I will continue with (b) (6), (b) (7)(C) until those other parties get here but it is not fair to ask them to wait if they show up on time. Also, (b) (6), (b) (7)(C) has to leave at (b) (6), (b) (7)(C) anyway. I do not know how long I will need with (b) (6), (b) (7)(C) but you have to support the (b) (6), (b) (7)(C) suspension and the 8(a)(4) allegation. I doubt that can be done in 20 minutes, so (b) (6), (b) (7)(C) may have to come back.

Also, I saw that you gave me three paystubs for (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C). As you know, these reduction in hours allegations are difficult to prove. I had asked for the last six months of paystubs and I really need that in order to evaluate whether (b) (6), (b) (7)(C) hours were reduced. Please get them to me ASAP.

Deena

From: Kobell, Deena E.

Sent: (b) (6), (b) (7)(C)

To: 'Mike Healey' <mike@unionlawyers.net>

Subject: RE: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C). Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.

Mike,

Just an FYI, it is (b) (6) and they are not here yet.

Deena

From: Mike Healey [<mailto:mike@unionlawyers.net>]

Sent: (b) (6), (b) (7)(C)

To: Kobell, Deena E. <Deena.Kobell@nlrb.gov>

Subject: RE: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C). Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.

I just got the message from the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) will be there about (b) (6), (b) (7)(C). The new amended charge for another suspension after the filing of the initial charges would be the focus see my January 19 e mail and the attachments to that including photos of another worker without a hair net.

the (b) (6), (b) (7)(C) can verify efforts around the hair net. They have to leave to go to the (b) (6), (b) (7)(C) or so

I will be on the road most of the day on cases but can be reached on my cell 412 760 0342 or by e mail

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Kobell, Deena E." <Deena.Kobell@nlrb.gov>

Date: 02/16/2016 7:00 PM (GMT-05:00)

To: Mike Healey <mike@unionlawyers.net>

Subject: Re: Organizer is working on getting (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C). Do not know if this is confirmed yet-not clear how complicated the (b) (6), (b) (7)(C) is or where it is.

Ok. I will be there.

Sent from [Outlook Mobile](#)

On Tue, Feb 16, 2016 at 3:59 PM -0800, "Mike Healey" <mike@unionlawyers.net> wrote:

NXGEN Action Slip

Case Name: Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's	Case Number: 4-CA-167947
Agent: Reese	Supervisor: Maier CATEGORY: 3

(1) Check the appropriate action

- X Withdrawal Approval – Forward with recommendation
 ___ Advice Issuance Action - Forward with draft
 ___ Deferral Issuance - Forward with draft letter
 ___ Dismissal Issuance - Forward with draft letter
 ___ Settlement Approval - Forward with draft settlement
 ___ Complaint - Forward draft complaint

2) Check if partial

(3) Mark all allegation types that apply, as follows:

- W=withdraw not adjusted; X=adjusted
 C =allegation type in Complaint
 ✓ = allegation type deferred
 D =dismissed not adjusted; A=adjusted
 S =allegation type settled

List RELATED Cases if any:

INFORMATION TO CHARGING PARTY ON REASONS FOR PROPOSED DISMISSAL:

Before the charge is dismissed, have you:

- (1) Told the CP why the charge would be dismissed, absent withdrawal? ___ Yes ___ No
 (2) Give the CP an opportunity to withdraw? ___ Yes ___ No
 (3) Absent withdrawal, did you solicit a short-form dismissal letter? ___ Yes ___ No
 (4) Did the CP agree to: (a) ___ Withdraw the charge? **OR** (b) ___ Accept a short-form dismissal letter?

IF YOU DID NOT SOLICIT A WITHDRAWAL REQUEST OR SHORT-FORM DISMISSAL LETTER, PLEASE EXPLAIN BELOW WHY YOU DID NOT DO SO:

REASON:

IF PARTIAL DISPOSITION, INDICATE:

Sections withdrawn or dismissed: 8a1

Sections remaining: 8a1

<p>8(a)(1)</p> <p><input type="checkbox"/> Coercive Actions (Surveillance, etc.) <input type="checkbox"/> Coercive Rules <input type="checkbox"/> Coercive Statements (Threats, Promises of Benefits, etc.) <input type="checkbox"/> Concerted Activities (Reliation, Discharge, Discipline) <input type="checkbox"/> Denial of Access <input type="checkbox"/> Discharge of Supervisor (<i>Parker-Robb</i>) <input type="checkbox"/> Interrogation (Including polling) <input type="checkbox"/> Lawsuits <input type="checkbox"/> Weingarten</p> <p>8(a)(2):</p> <p><input type="checkbox"/> Assistance <input type="checkbox"/> Domination <input type="checkbox"/> Unlawful Recognition</p> <p>8(a)(3):</p> <p><input type="checkbox"/> Changes in Terms & Conditions of Employment <input checked="" type="checkbox"/> Discharge (Including Layoff & Refusal to Hire (Not Salting)) <input type="checkbox"/> Discipline <input type="checkbox"/> Lockout <input type="checkbox"/> Refusal to Consider/Hire Applicant (Salting only) <input type="checkbox"/> Refusal to Hire Majority <input type="checkbox"/> Refusal to Reinstate Ee/Striker (e.g. Laidlaw) <input type="checkbox"/> Retaliatory Lawsuit <input type="checkbox"/> Shutdown or Relocate/Subcontract Unit Work <input type="checkbox"/> Union Security Related Actions</p> <p>8(a)(4):</p> <p><input type="checkbox"/> Changes in Terms & Conditions of Employment <input type="checkbox"/> Discharge (including Layoff and Refusal to Hire) <input type="checkbox"/> Discipline <input type="checkbox"/> Refusal to Reinstate Ee Striker <input type="checkbox"/> Shutdown or Relocate/Subcontract6 Unit Work</p> <p>8(a)(5)</p> <p><input type="checkbox"/> Alter Ego <input type="checkbox"/> Failure to Sign Agreement <input type="checkbox"/> Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct</p>	<p><input type="checkbox"/> dealing) <input type="checkbox"/> Refusal to Furnish Information <input type="checkbox"/> Refusal to Recognize <input type="checkbox"/> Repudiation/Modification of Contract- (Sec 8(d)/Unilateral Changes) <input type="checkbox"/> Shutdown or Relocate (e.g. <i>First National Maint.</i>) Subcontract Work</p> <p>8(b)(1)(A):</p> <p><input type="checkbox"/> Coercion including Statements & Violence <input type="checkbox"/> Denial of Access <input type="checkbox"/> Discipline (including charges/fines) <input type="checkbox"/> Harassment <input type="checkbox"/> Duty of Fair Representation, including Superseniority, denial of access <input type="checkbox"/> Hiring Hall <input type="checkbox"/> Picketing/Strike Actions <input type="checkbox"/> Rules: Coercive <input type="checkbox"/> Union Dues and/or Membership related (including accessing fees).</p> <p>8(b)(1)(B):</p> <p><input type="checkbox"/> Funds Contribution Related <input type="checkbox"/> Lawsuits <input type="checkbox"/> Other Allegations <input type="checkbox"/> Statements/Threats/Violence</p> <p>8(b)(2):</p> <p><input type="checkbox"/> Hiring Hall Related <input type="checkbox"/> Lawsuits <input type="checkbox"/> Union Security Related</p> <p>8(b)(3):</p> <p><input type="checkbox"/> Refusal to Bargaining/Bad Faith Bargaining or Surface Bargaining <input type="checkbox"/> Refusal to Furnish Information <input type="checkbox"/> Failure to Sign Agreement</p> <p>8(b)(4)(A):</p> <p><input type="checkbox"/> Lawsuits/Grievances <input type="checkbox"/> /Handbilling <input type="checkbox"/> Statements</p> <p>8(b)(4)(B):</p> <p><input type="checkbox"/> Law Suits/Grievances <input type="checkbox"/> Picketing/Handbilling</p>	<p><input type="checkbox"/> Statements</p> <p>8(b)(4)(C):</p> <p><input type="checkbox"/> Law Suits/Grievances <input type="checkbox"/> Picketing <input type="checkbox"/> Statements</p> <p>8(b)(4)(D):</p> <p><input type="checkbox"/> All Allegations</p> <p>8(b)(5):</p> <p><input type="checkbox"/> All Allegations</p> <p>8(b)(6):</p> <p><input type="checkbox"/> All Allegations</p> <p>8(b)(7)(A):</p> <p><input type="checkbox"/> Other Allegations</p> <p>8(b)(7)(B):</p> <p><input type="checkbox"/> Other Allegations</p> <p>8(b)(7)(C):</p> <p><input type="checkbox"/> Other Allegations</p> <p>8(e):</p> <p><input type="checkbox"/> All Allegations against a Labor Organization <input type="checkbox"/> All Allegations against an Employer</p> <p>8(g):</p> <p><input type="checkbox"/> All Allegations</p> <p>REMEDIES SOUGHT AFFIRMATIVE ACTIONS BACKPAY AND EE REINSTATMENT FEES, DUES, FINES REFUNDED RESTORATION OF RIGHTS REMEDY SOUGHT/ENHANCED REMEDY ENHANCED REMEDIES SPECIFY ENHANCED REMEDIES HERE:</p>
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From: [Dunham, Geoffrey](#)
To: [Kobell, Deena E.](#); [Maier, Harold A.](#)
Cc: [Reese, Noelle M.](#)
Subject: RE: FIR Rec Approval of Withdrawal in Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's, 4-CA-167947
Date: Tuesday, March 22, 2016 5:27:59 PM

Deena, thank you for the clarification on the Union's (b) (6), (b) (7)(C) position. (b) (5)
(b) (5), (b) (6), (b) (7)(C). It is ok to process the
w/d in the above case. Geoff

From: Kobell, Deena E.
Sent: Monday, March 21, 2016 6:57 PM
To: Maier, Harold A. <Harold.Maier@nrlrb.gov>; Dunham, Geoffrey <geoffrey.dunham@nrlrb.gov>
Cc: Reese, Noelle M. <Noelle.Reese@nrlrb.gov>
Subject: RE: FIR Rec Approval of Withdrawal in Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's, 4-CA-167947

Geoff,

I just wanted to clarify our understanding of the Union's position with respect to its
(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

In our Region, the Union has consistently taken the position that Shift Managers are 2(11)s as well as agents for purposes of inferring knowledge and for liability for 8(a)(1) conduct. In
(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

As to the specific evidence in this case, Joe Hirsch provided three write-ups signed by (b) (6), (b) (7)(C) the most recent of which was dated (b) (6), (b) (7)(C) /15. The write-ups contained commentary in the first person, and did not appear as though (b) (6), (b) (7)(C) was merely following orders to write up the individual. (b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)

Deena

From: Maier, Harold A.
Sent: Monday, March 21, 2016 4:57 PM
To: Dunham, Geoffrey <geoffrey.dunham@nlrb.gov>
Cc: Kobell, Deena E. <Deena.Kobell@nlrb.gov>
Subject: FW: FIR Rec Approval of Withdrawal in Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's, 4-CA-167947

Hi,

Region 2 coordinates these so I'd like to get your blessing before I (b) (5).

Thanks,

Harry

From: Reese, Noelle M.
Sent: Monday, March 21, 2016 4:44 PM
To: Maier, Harold A. <Harold.Maier@nlrb.gov>
Cc: Warren, Renai J. <Renai.Warren@nlrb.gov>
Subject: FIR Rec Approval of Withdrawal in Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's, 4-CA-167947

Harry,

Here are:

[FIR Recommending Withdrawal](#)

[NxGen Action Slip](#)

[Oral withdrawal request](#)

I have asked Renai to assign someone to prepare a withdraw letter in Katrice's absence, but since it's late in the day, I haven't heard back who will be preparing it. I wanted to send it up to you today since I'll be gone the rest of the week.

Thank you,

Noelle M. Reese

Noelle M. Reese

Senior Field Attorney

National Labor Relations Board, Region 4

615 Chestnut Street

Philadelphia, PA 19106

215-597-0729

fax 215-597-7658

Noelle.Reese@nrlrb.gov

Case Name: Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's and McDonald's USA, as a joint or single employer
Case No.: 04-CA-167947
Agent: FA Reese as of March 14, 2016

CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 04
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

March 23, 2016

Joseph A. Hirsch, Esquire
Hirsch & Hirsch
One Belmont Avenue
8th Floor, Suite 8001
Bala Cynwyd, PA 19004

Doreen S. Davis, Esquire
Veronica Couzo, Esquire
Michael S. Ferrell, Esquire
Jones Day
77 West Wacker Drive
Suite 3500
Chicago, IL 60601-1701

Re: Jo-Dan MadAlisse LTD, LLC d/b/a
McDonald's and McDonald's USA, as a
joint or single employer
Case 04-CA-167947

Ladies and Gentlemen:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Harold A. Maier

HAROLD A. MAIER
Acting Regional Director

cc:

(b) (6), (b) (7)(C)

Jo-Dan MadAlisse LTD, LLC d/b/a McDonald's
3137 Broad Street
Philadelphia, PA 19132

Ms. Gloria Santona
McDonald's USA
One McDonald's Plaza
Oak Brook, IL 60523

(b) (6), (b) (7)(C)

Pennsylvania Workers Organizing Committee
(Project of the Fast Food Workers Committee)
1706 Race Street, 3rd Floor
Philadelphia, PA 19103-1200

Michael J. Healey, Esquire
Healey & Hornack, P.C.
247 Fort Pitt Boulevard, 4th Floor
Pittsburgh, PA 15222